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A bill to be entitled

An act relating to implementing the 2008-2009 Special Appropriations Act; providing legislative intent; reenacting s. 215.32(2)(b), F.S., relating to the source and use of certain trust funds in order to implement the transfer of moneys to the General Revenue Fund from trust funds in the 2008-2009 Special Appropriations Act; amending s. 320.08, F.S.; revising uses of certain motorcycle and moped license tax fees; amending s. 339.08, F.S.; authorizing the transfer of specified moneys from the State Transportation Trust Fund to the General Revenue Fund; reducing the amount transferred from certain transportation calculation requirements; amending ss. 420.0005 and 420.9079, F.S.; providing for the return of certain unexpended funds held by the Florida Housing Finance Corporation to the state as directed by law; providing for reversion of certain provisions; providing for the effect of a veto of one or more specific appropriations or proviso to which implementing language refers; providing for the continued operation of certain provisions notwithstanding a future repeal or expiration provided by this act; providing for severability; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

27 Section 1. It is the intent of the Legislature that the
 28 implementing and administering provisions of this act apply to
 29 the Special Appropriations Act for the 2008-2009 fiscal year.

30 Section 2. In order to implement the transfer of moneys to
 31 the General Revenue Fund from trust funds in the 2008-2009
 32 Special Appropriations Act, paragraph (b) of subsection (2) of
 33 section 215.32, Florida Statutes, is reenacted to read:

34 215.32 State funds; segregation.--

35 (2) The source and use of each of these funds shall be as
 36 follows:

37 (b)1. The trust funds shall consist of moneys received by
 38 the state which under law or under trust agreement are
 39 segregated for a purpose authorized by law. The state agency or
 40 branch of state government receiving or collecting such moneys
 41 shall be responsible for their proper expenditure as provided by
 42 law. Upon the request of the state agency or branch of state
 43 government responsible for the administration of the trust fund,
 44 the Chief Financial Officer may establish accounts within the
 45 trust fund at a level considered necessary for proper
 46 accountability. Once an account is established within a trust
 47 fund, the Chief Financial Officer may authorize payment from
 48 that account only upon determining that there is sufficient cash
 49 and releases at the level of the account.

50 2. In addition to other trust funds created by law, to the
 51 extent possible, each agency shall use the following trust funds
 52 as described in this subparagraph for day-to-day operations:

53 a. Operations or operating trust fund, for use as a
 54 depository for funds to be used for program operations funded by

55 program revenues, with the exception of administrative
 56 activities when the operations or operating trust fund is a
 57 proprietary fund.

58 b. Operations and maintenance trust fund, for use as a
 59 depository for client services funded by third-party payors.

60 c. Administrative trust fund, for use as a depository for
 61 funds to be used for management activities that are departmental
 62 in nature and funded by indirect cost earnings and assessments
 63 against trust funds. Proprietary funds are excluded from the
 64 requirement of using an administrative trust fund.

65 d. Grants and donations trust fund, for use as a
 66 depository for funds to be used for allowable grant or donor
 67 agreement activities funded by restricted contractual revenue
 68 from private and public nonfederal sources.

69 e. Agency working capital trust fund, for use as a
 70 depository for funds to be used pursuant to s. 216.272.

71 f. Clearing funds trust fund, for use as a depository for
 72 funds to account for collections pending distribution to lawful
 73 recipients.

74 g. Federal grant trust fund, for use as a depository for
 75 funds to be used for allowable grant activities funded by
 76 restricted program revenues from federal sources.

77
 78 To the extent possible, each agency must adjust its internal
 79 accounting to use existing trust funds consistent with the
 80 requirements of this subparagraph. If an agency does not have
 81 trust funds listed in this subparagraph and cannot make such
 82 adjustment, the agency must recommend the creation of the

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83 necessary trust funds to the Legislature no later than the next
84 scheduled review of the agency's trust funds pursuant to s.
85 215.3206.

86 3. All such moneys are hereby appropriated to be expended
87 in accordance with the law or trust agreement under which they
88 were received, subject always to the provisions of chapter 216
89 relating to the appropriation of funds and to the applicable
90 laws relating to the deposit or expenditure of moneys in the
91 State Treasury.

92 4.a. Notwithstanding any provision of law restricting the
93 use of trust funds to specific purposes, unappropriated cash
94 balances from selected trust funds may be authorized by the
95 Legislature for transfer to the Budget Stabilization Fund and
96 General Revenue Fund in the General Appropriations Act.

97 b. This subparagraph does not apply to trust funds
98 required by federal programs or mandates; trust funds
99 established for bond covenants, indentures, or resolutions whose
100 revenues are legally pledged by the state or public body to meet
101 debt service or other financial requirements of any debt
102 obligations of the state or any public body; the State
103 Transportation Trust Fund; the trust fund containing the net
104 annual proceeds from the Florida Education Lotteries; the
105 Florida Retirement System Trust Fund; trust funds under the
106 management of the State Board of Education or the Board of
107 Governors of the State University System, where such trust funds
108 are for auxiliary enterprises, self-insurance, and contracts,
109 grants, and donations, as those terms are defined by general
110 law; trust funds that serve as clearing funds or accounts for

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111 the Chief Financial Officer or state agencies; trust funds that
 112 account for assets held by the state in a trustee capacity as an
 113 agent or fiduciary for individuals, private organizations, or
 114 other governmental units; and other trust funds authorized by
 115 the State Constitution.

116 Section 3. In order to implement section 20 of the 2008-
 117 2009 Special Appropriations Act, paragraph (c) of subsection (1)
 118 of section 320.08, Florida Statutes, is amended to read:

119 320.08 License taxes.--Except as otherwise provided
 120 herein, there are hereby levied and imposed annual license taxes
 121 for the operation of motor vehicles, mopeds, motorized bicycles
 122 as defined in s. 316.003(2), and mobile homes, as defined in s.
 123 320.01, which shall be paid to and collected by the department
 124 or its agent upon the registration or renewal of registration of
 125 the following:

126 (1) MOTORCYCLES AND MOPEDS.--

127 (c) Upon registration of any motorcycle, motor-driven
 128 cycle, or moped there shall be paid in addition to the license
 129 taxes specified in this subsection a nonrefundable motorcycle
 130 safety education fee in the amount of \$2.50. The proceeds of
 131 such additional fee shall be deposited in the Highway Safety
 132 Operating Trust Fund ~~and be used exclusively~~ to fund a
 133 motorcycle driver improvement program implemented pursuant to s.
 134 322.025, ~~or~~ the Florida Motorcycle Safety Education Program
 135 established in s. 322.0255, or the general operations of the
 136 department.

137 Section 4. The amendments to s. 320.08, Florida Statutes,
 138 made by this act shall expire July 1, 2009, and the text of that

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139 section shall revert to that in existence on the day before the
 140 effective date of this act, except that any amendments to such
 141 text enacted other than by this act shall be preserved and
 142 continue to operate to the extent that such amendments are not
 143 dependent upon the portions of such text that expire pursuant to
 144 this section.

145 Section 5. In order to implement section 20 of the 2008-
 146 2009 Special Appropriations Act, subsection (4) is added to
 147 section 339.08, Florida Statutes, to read:

148 339.08 Use of moneys in State Transportation Trust Fund.--

149 (4) For the 2008-2009 fiscal year only and notwithstanding
 150 the provisions of this section and ss. 339.09(1) and
 151 215.32(2)(b)4., \$200 million may be transferred from the State
 152 Transportation Trust Fund to the General Revenue Fund.
 153 Notwithstanding ss. 206.46(3) and 206.606(2), the total amount
 154 transferred shall be reduced from total state revenues deposited
 155 into the State Transportation Trust Fund for the calculation
 156 requirements of ss. 206.46(3) and 206.606(2). This subsection
 157 expires July 1, 2009.

158 Section 6. In order to implement section 9 of the 2008-
 159 2009 Special Appropriations Act, section 420.0005, Florida
 160 Statutes, is amended to read:

161 420.0005 State Housing Trust Fund; State Housing Fund.--

162 (1) There is hereby established in the State Treasury a
 163 separate trust fund to be named the "State Housing Trust Fund."
 164 There shall be deposited in the fund all moneys appropriated by
 165 the Legislature, or moneys received from any other source, for
 166 the purpose of this chapter, and all proceeds derived from the

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167 use of such moneys. The fund shall be administered by the
168 Florida Housing Finance Corporation on behalf of the department,
169 as specified in this chapter. Money deposited to the fund and
170 appropriated by the Legislature must, notwithstanding the
171 provisions of chapter 216 or s. 420.504(3), be transferred
172 quarterly in advance, to the extent available, or, if not so
173 available, as soon as received into the State Housing Trust
174 Fund, and subject to the provisions of s. 420.5092(6)(a) and (b)
175 by the Chief Financial Officer to the corporation upon
176 certification by the Secretary of Community Affairs that the
177 corporation is in compliance with the requirements of s.
178 420.0006. The certification made by the secretary shall also
179 include the split of funds among programs administered by the
180 corporation and the department as specified in chapter 92-317,
181 Laws of Florida, as amended. Moneys advanced by the Chief
182 Financial Officer must be deposited by the corporation into a
183 separate fund established with a qualified public depository
184 meeting the requirements of chapter 280 to be named the "State
185 Housing Fund" and used for the purposes of this chapter.
186 Administrative and personnel costs incurred in implementing this
187 chapter may be paid from the State Housing Fund, but such costs
188 may not exceed 5 percent of the moneys deposited into such fund.
189 To the State Housing Fund shall be credited all loan repayments,
190 penalties, and other fees and charges accruing to such fund
191 under this chapter. It is the intent of this chapter that all
192 loan repayments, penalties, and other fees and charges collected
193 be credited in full to the program account from which the loan
194 originated. Moneys in the State Housing Fund which are not

195 currently needed for the purposes of this chapter shall be
 196 invested in such manner as is provided for by statute. The
 197 interest received on any such investment shall be credited to
 198 the State Housing Fund.

199 (2) Notwithstanding any provision of this section to the
 200 contrary and for the 2008-2009 fiscal year only, the corporation
 201 shall return unexpended funds held by the corporation pursuant
 202 to this section to the state as directed by law. This subsection
 203 expires June 30, 2009.

204 Section 7. In order to implement section 9 of the 2008-
 205 2009 Special Appropriations Act, section 420.9079, Florida
 206 Statutes, is amended to read:

207 420.9079 Local Government Housing Trust Fund.--

208 (1) There is created in the State Treasury the Local
 209 Government Housing Trust Fund, which shall be administered by
 210 the corporation on behalf of the department according to the
 211 provisions of ss. 420.907-420.9078 and this section. There shall
 212 be deposited into the fund a portion of the documentary stamp
 213 tax revenues as provided in s. 201.15, moneys received from any
 214 other source for the purposes of ss. 420.907-420.9078 and this
 215 section, and all proceeds derived from the investment of such
 216 moneys. Moneys in the fund that are not currently needed for the
 217 purposes of the programs administered pursuant to ss. 420.907-
 218 420.9078 and this section shall be deposited to the credit of
 219 the fund and may be invested as provided by law. The interest
 220 received on any such investment shall be credited to the fund.

221 (2) The corporation shall administer the fund exclusively
 222 for the purpose of implementing the programs described in ss.

223 420.907-420.9078 and this section. With the exception of
 224 monitoring the activities of counties and eligible
 225 municipalities to determine local compliance with program
 226 requirements, the corporation shall not receive appropriations
 227 from the fund for administrative or personnel costs. For the
 228 purpose of implementing the compliance monitoring provisions of
 229 s. 420.9075(9), the corporation may request a maximum of one-
 230 quarter of 1 percent of the annual appropriation per state
 231 fiscal year. When such funding is appropriated, the corporation
 232 shall deduct the amount appropriated prior to calculating the
 233 local housing distribution pursuant to ss. 420.9072 and
 234 420.9073.

235 (3) Notwithstanding any provision of this section to the
 236 contrary and for the 2008-2009 fiscal year only, the corporation
 237 shall return unexpended funds held by the corporation pursuant
 238 to this section to the state as directed by law. This subsection
 239 expires June 30, 2009.

240 Section 8. A section of this act that implements a
 241 specific appropriation or specifically identified proviso
 242 language in the 2008-2009 Special Appropriations Act is void if
 243 the specific appropriation or specifically identified proviso
 244 language is vetoed. A section of this act that implements more
 245 than one specific appropriation or more than one portion of
 246 specifically identified proviso language in the 2008-2009
 247 Special Appropriations Act is void if all the specific
 248 appropriations or portions of specifically identified proviso
 249 language are vetoed.

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250 Section 9. If any other act passed in 2009 contains a
251 provision that is substantively the same as a provision in this
252 act but that removes or is otherwise not subject to the future
253 repeal applied to such provision by this act, the Legislature
254 intends that the provision in the other act shall take
255 precedence and shall continue to operate notwithstanding the
256 future repeal provided by this act.

257 Section 10. If any provision of this act or its
258 application to any person or circumstance is held invalid, the
259 invalidity does not affect other provisions or applications of
260 the act which can be given effect without the invalid provision
261 or application, and to this end the provisions of this act are
262 severable.

263 Section 11. This act shall take effect upon becoming a
264 law.